

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>SELF STRAWDER,</b>	)	
<b>Petitioner,</b>	)	<b>C.A. No. 22-12 Erie</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>WARDEN TRATE,</b>	)	
<b>Respondent.</b>	)	

**MEMORANDUM ORDER**

This action for habeas corpus relief was received by the Clerk of Court on April 16, 2022. In his habeas petition, Petitioner argues, in conclusory fashion, that he is actually innocent of the underlying crimes of which he was convicted. In particular, Petitioner contends that 1) the government violated his Fifth Amendment due process rights when it "omitted false statements and fabricated evidence that the arresting officer knew me from an active warrant;" and 2) his attorney violated his Sixth Amendment right to counsel by failing to conduct an adequate pretrial investigation. Thus, in essence, Petitioner seeks relief under 28 U.S.C. § 2241, pursuant to the "savings clause" of 28 U.S.C. 2255(e), which allows a federal prisoner to challenge the validity of his underlying conviction where it "appears that the remedy by [§2255 petition] is inadequate or ineffective to test the legality of his detention." The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On July 17, 2023, Magistrate Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that the petition be denied, with prejudice [ECF No. 16]. In particular, Judge Lanzillo found, *inter alia*, that Petitioner has not met the jurisdictional requirements of

§ 2255's savings clause under In re Dorsainvil, 119 F.3d 245 (3d Cir. 1997), and Bruce v. Warden, Lewisburg USP, 868 F.3d 170 (3d Cir. 2017). Petitioner has not filed any objections to the R&R.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of October, 2023,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and the report and recommendation of Chief Magistrate Judge Lanzillo, issued on July 17, 2023 [ECF No. 16], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief United States Magistrate Judge

All parties of record